

GERARDO MARQUINA )  
 )  
v. ) NO. 2:05-CV-134  
 ) (CR-2-94-61)  
UNITED STATES OF AMERICA )

In accordance with the accompanying memorandum opinion, this *pro se* petition for a writ of habeas corpus under 28 U.S.C. § 2241 is **DISMISSED** for lack of jurisdiction. Should the petitioner give timely notice of an appeal from this decision, such notice also will be taken as an application for a certificate of appealability, which is **DENIED** because he has failed to make a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The Court also **CERTIFIES** that any appeal from this decision would not be taken in good faith.

ENTER:

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